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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,272	03/12/2004	Richard Garrett Moore	09710-1219	1309

7590

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EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,272

Applicant(s)

MOORE, RICHARD GARRETT

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claim(s) 1-41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gao et al. (US 6,707,890 B1) in view of Hanson et al. (US 5,864,606).

Regarding **claim(s) 1, 14, 40 and 41**, Gao discloses a method for supporting telephony services over a data network (FIG. 1 and column 1, lines 4-7), the method comprising:

retrieving message waiting indication information from a voice mail system designated by a user, wherein each of the message waiting indication information

specifies existence, within the respective voice mail system, of a voice mail message for the user (FIG. 3 and column 3, lines 31-42);

determining an instant communication client of the user (FIG. 3 and column 3, lines 51-56); and

forwarding the message waiting indication information over the data network to the instant communication client for display (FIG. 3 and column 3, lines 57-60).

Gao discloses a message indicator for a voice mail server but fails to disclose a plurality of voice mail systems.

However, Hanson teaches a plurality of voice mail systems (FIG. 1, column 3, lines 10-15 and column 5, lines 35-45).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Gao using the teaching of a plurality of voice mail systems as taught by Hanson.

This modification of the invention enables the system to have a plurality of voice mail system so that the user would receive an illumination for every new message on the phone station.

Regarding **claim(s) 2, 15 and 28**, Gao discloses a method, wherein the instant communication client displays the plurality of message waiting indication information concurrently (FIG. 1 and column 3, lines 1-15).

Regarding **claim(s) 3, 16 and 29**, Gao discloses a method, wherein the instant communication client is among a plurality of instant communication clients, the method further comprising: forwarding the message waiting indication information to one or more of the instant communication clients (FIG. 1 and column 3, lines 1-15).

Regarding **claim(s) 4, 17 and 30**, Gao discloses a method, further comprising: accessing a user database for a profile of the user, wherein the profile specifies the voice mail systems and the instant communication client for displaying the message waiting indication information (FIG. 2 and column 3, lines 43-50).

Regarding **claim(s) 5, 18 and 31**, Gao discloses a method, further comprising: receiving a request to modify the profile of the user (FIG. 2 and column 3, lines 43-50); and

modifying the profile based on the request (FIG. 2 and column 3, lines 43-50).

Regarding **claim(s) 6, 19 and 32**, Gao discloses a method, wherein the instant communication client is resident on one of a computer system, a Personal Digital Assistant, a cellular phone, a gaming console, and a web appliance (FIG. 1 and column 2, lines 32-41).

Regarding **claim(s) 7, 20 and 33**, Gao discloses a method, the method further comprising: receiving an identifier associated with a called station served by one of the voice mail systems (FIG. 2 and column 3, lines 43-50); and

forwarding the identifier to the instant communication client, wherein the instant communication client displays the identifier along with the message waiting indication information (FIG. 2 and column 3, lines 43-50).

Regarding **claim(s) 8, 21 and 34**, Gao discloses a method, wherein the identifier is derived from one of a Dialed Number identification Service number and Automatic Number Identification (FIG. 2 and column 3, lines 43-50).

Regarding **claim(s) 9, 22 and 35**, Gao discloses a method, the method further comprising: determining whether the instant communication client is available (FIG. 2 and column 3, lines 51-53); and

if the instant communication client is not available, storing the message waiting indication information for later delivery (FIG. 2 and column 3, lines 62-64).

Regarding **claim(s) 10, 23 and 36**, Gao discloses a method, the method further comprising: appending supplemental information including one of time stamp information and advertisement information to the message waiting indication information (FIG. 2 and column 3, lines 62-64).

Regarding **claim(s) 11, 24 and 37**, Gao discloses a method, the method further comprising: associating a user with the voice mail systems (FIG. 1 and column 3, lines 1-15); and

associating the user with one or more instant communication clients including the instant communication client (FIG. 1 and column 3, lines 1-15).

Regarding **claim(s) 12, 25 and 38**, Gao discloses a method, the method further comprising: generating a command message to one of the voice mail systems to activate or deactivate message waiting indication function of the one voice mail system (FIG. 2 and column 3, lines 57-61).

Regarding **claim(s) 13, 26 and 39**, Gao discloses a method, the method further comprising: generating a voice mail indicator message to notify a computing system hosting the instant communication client or an intermediate system, wherein the voice mail indicator message includes an identification field for the instant communication client and one or more fields indicating presence of voicemail in the respective voice mail systems (FIG. 2 and column 3, lines 43-50).

Regarding **claim(s) 27**, Gao in combination with Hanson disclose all the limitations of **claim(s) 27** as stated in **claim(s) 1**'s rejection above and furthermore Gao discloses a gateway (140 on FIG. 1) and a server (130 on FIG. 1).

Response to Arguments

4. Applicant's arguments with respect to **claim(s) 1-41** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GERALD GAUTHIER
PATENT EXAMINER

g.g.

January 23, 2006



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